

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

JUAN CARLOS CUELLAR, et al.

Plaintiffs,

v.

ANTHONY FIDEL ALAMILLO, et al.,

Defendants.

Case No.: C 09-4047 PSG

**ORDER DISSOLVING DECEMBER 15,  
2010 ORDER TO SHOW CAUSE;  
CONTINUING CASE MANAGEMENT  
CONFERENCE**

On December 14, 2010, Plaintiffs and Defendants failed to appear for the case management conference. This court subsequently ordered Plaintiffs to respond in writing no later than December 28, 2010 to an order to show cause why the case should not be dismissed for failure to prosecute. *See* Order to Show Cause Why Case Should Not Be Dismissed dated December 15, 2010. (Docket No. 38).

Mr. Tomas Margain, attorney for Plaintiffs, filed a timely response stating that his office calendar was inaccessible between December 6, 2010 and December 13, 2010 due to technical problems. *See* Affidavit of Thomas E. Margain Re: Failure to Appear at 12/14/2010 Further CMC dated December 16, 2010. (Docket No. 39). Having reviewed the response,

IT IS HEREBY ORDERED that the December 15, 2010 Order to Show Cause is dissolved.

IT IS FURTHER ORDERED that the case management conference is continued to December

1 28, 2010 at 2 p.m., at which time counsel for Plaintiffs and Defendants must be present. No further  
2 absences will be tolerated. The parties shall file an updated Joint Case Management Conference  
3 Statement no later than December 24, 2010.

4  
5 Dated: December 20, 2010

6   
7 PAUL S. GREWAL  
8 United States Magistrate Judge  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28